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THE SITUATION IN BOSNIA AND HERZEGOVINA

Letter dated 30 December 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

Upon instructions of my Government, I have the honour to draw Your Excellency's attention to the following position of the Federal Republic of Yugoslavia with regard to resolution 48/88 concerning the situation in Bosnia and Herzegovina, adopted by the General Assembly on 20 December 1993.

The Federal Republic of Yugoslavia deeply regrets the adoption of the resolution on the situation in Bosnia and Herzegovina. By ignoring the true underlying causes and origins of the conflict and the fact that what is at stake in Bosnia and Herzegovina is a civil war based on ethnic, religious and historical differences, the authors of the resolution have portrayed an erroneous and blatantly one-sided picture whose aim is not to contribute to the resolution of this tragedy but to fulfil their own limited and unprincipled political objective.

The premise of the authors of the resolution that Bosnia and Herzegovina is a victim of Serbian aggression has been refuted both by the events on the ground, where the fiercest fighting in the past year has taken place between the Bosnian Croat and Bosnian Muslim forces, and also by the framework of the peace negotiations where the three nations, Serbs, Muslims and Croats, of Bosnia and Herzegovina are participating.

The resolution contains a series of distortions of the truth and absurd qualifications. The authors have decided to ignore the whole peace process and the substantial efforts that the Government of the Federal Republic of Yugoslavia and the leadership of its two republics, Serbia and Montenegro, have invested in the search for peace. In the last round of negotiations in Geneva and Brussels the European Union commended the representatives of the Federal Republic of Yugoslavia and its republics for a positive and constructive contribution.

By relying on the resolution on the situation in Bosnia and Herzegovina adopted during the forty-seventh session of the General Assembly (resolution 47/121), the present resolution is in many aspects outdated and overtaken by events. In an unprecedented and Orwellian parody of the truth, the authors of the resolution have attempted virtually to put the whole blame for the war in Bosnia and Herzegovina on the Bosnian Serbs and the Federal Republic of Yugoslavia.

It is incomprehensible that no mention is made of the well-documented atrocities committed by the Croatian and Muslim forces in central Bosnia, the deliberate attacks of the Bosnian Muslim forces on the United Nations Protection Force (UNPROFOR) and humanitarian convoys, the virtual destruction of the city of Mostar as a consequence of Croatian-Muslim fighting, the presence of regular troops of the Croatian Army in a significant part of the territory of Bosnia and Herzegovina where the Croatian flag is flown and the Croatian currency is legal tender. The fact that in western Bosnia there has been extensive fighting between Muslim forces themselves has been ignored because it does not fit in the scenario of the "Serbian aggression". The resolution makes no mention whatsoever about genocide and "ethnic cleansing" committed against the Serbs in Bosnia and Herzegovina.

As a result of one-sided and biased media coverage and Bosnian Muslim propaganda, many atrocities committed in Bosnia and Herzegovina were wrongfully attributed to the Bosnian Serbs or have been fabricated altogether. This has been confirmed by the latest reports of the Commission of Experts established pursuant to Security Council resolution 780 (1992) and the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Mr. T. Mazowiecki.

The authors of the resolution have decided to ignore the fact that it is indeed the Bosnian Muslim side which has persistently in the last few months obstructed the peace process and refused to accept and implement agreements described by the Co-Chairmen of the International Conference on the Former Yugoslavia as realistic and fair. As stated by Mr. Stoltenberg in a briefing before the Security Council on 18 November 1993, "the last two plans have been accepted by the Croats and the Serbs. The Bosnian Presidency negotiated on them, sought territorial changes in the third plan, obtained additional territory in the fourth plan and has indicated its agreement with all but one aspect: it would still like additional territory".

Therefore the position maintained in the resolution that the "Serbian forces and extremist Bosnian Croat elements and others ... seek the dismemberment of the Republic of Bosnia and Herzegovina ..." is not only a distortion of the truth but it also ignores the basic responsibility of the Bosnian Muslim side for having rejected the Cutileiro plan and all other peace proposals which are directed at guaranteeing the equality of the three nations of Bosnia and Herzegovina.

It is absolutely unacceptable that the resolution implies the responsibility of the Federal Republic of Yugoslavia for the civil war in Bosnia and Herzegovina. Ever since the onset of the crisis, the Federal Republic of Yugoslavia has sought to bring about a peaceful solution to the crisis in Bosnia

and Herzegovina on the basis of respect for the legitimate interests of all three constituent peoples. The Federal Republic of Yugoslavia has no territorial claims against the former Yugoslav Republic of Bosnia and Herzegovina. This has been clearly stated in the Declaration of the Federal Assembly of 27 April 1992 and by the Government of the Federal Republic of Yugoslavia on numerous occasions. As has been confirmed in the reports of the Secretary-General and UNPROFOR, not a single soldier of the Army of Yugoslavia remained in the territory of Bosnia and Herzegovina after 19 May 1992.

There are no innocents in a civil war. Horrible crimes and atrocities have been committed by all parties in the territory of the former Yugoslavia. The Federal Republic of Yugoslavia has always maintained that all those responsible for atrocities and breaches of humanitarian law should be brought to justice. In that regard, the Government of the Federal Republic of Yugoslavia supports and is cooperating with the Commission of Experts established by the Security Council in resolution 780 (1992).

What is unacceptable, however, is that the resolution unjustly holds the Bosnian Serbs virtually exclusively responsible for human rights and international law violations and ethnic cleansing in particular. Putting the blame solely on the Serbs and demonizing the Serbian nation as a whole cannot help the resolution of the conflict and excuse all others who are responsible in the civil, ethnic and religious war in Bosnia and Herzegovina.

The Federal Republic of Yugoslavia considers that all perpetrators of war crimes committed in the territory of the former Yugoslavia should be prosecuted and punished under national laws, which are harmonized with international law and by competent judicial authorities, in accordance with the principle of territorial jurisdiction.

The Security Council had at the very beginning of the crisis in the former Yugoslavia adopted a decision to implement a comprehensive arms embargo against the whole territory of the former Socialist Federal Republic of Yugoslavia. The resolution adopted by the General Assembly on 20 December 1993 (resolution 48/88), on the other hand, calls for the lifting of the embargo against the Bosnian Muslims, which undoubtedly cannot be conducive to a peaceful resolution of the crisis. Such an impetus to the continuation and fuelling of the civil war in Bosnia and Herzegovina is contrary to the relevant resolutions of the Security Council, which call for a peaceful political settlement to the conflict. In this manner, the General Assembly is acting in contravention of its prerogatives and contrary to the Charter of the United Nations by taking over the role of the Security Council, which is the only organ of the United Nations with the primary responsibility for the maintenance of international peace and security.

The appeal for the opening up of Tuzla airport for delivery of humanitarian assistance, virtually to only one side of the conflict, can only be a contribution to the continuation of the war. At this crucial juncture in the negotiations utmost efforts should be invested in reaching a peaceful settlement which would ultimately create conditions for the opening of all airports in Bosnia and Herzegovina.

The accusations contained in the resolution against the Federal Republic of Yugoslavia are totally baseless and full of arbitrary conclusions and false assertions. It is particularly unacceptable that the Federal Republic of Yugoslavia and its republics - Serbia and Montenegro - have been referred to in the context of detention camps. There are absolutely no detention camps, prisons or other places of detention, missing persons or arbitrarily or illegally detained persons in the Federal Republic of Yugoslavia, as has been documented by the International Committee of the Red Cross (ICRC) and other humanitarian agencies. It is ignored, however, that the detention camps, to which ICRC has been denied access, are still being run by the Bosnian Muslims and the Bosnian Croats.

The fact that the resolution addressed alleged systematic abuses committed against Albanians, Bosnians, Hungarians and Croatians, and others in Kosovo, Sandzak and Vojvodina, which are integral parts of Serbia and Yugoslavia, is not only outside the scope of the resolution but is an outrageous fabrication and distortion of the truth. This gives clear evidence of the true aim of the authors of the resolution - the vilification of the entire Serbian nation and ultimately the breakup of the territorial integrity of Serbia and the Federal Republic of Yugoslavia, which is a gross example of interference in the internal affairs of a sovereign State.

The resolution makes a point of commending all States, and in particular those bordering on the Federal Republic of Yugoslavia, for implementing the sanctions imposed by the Security Council. The resolution fails, however, to explain that the Federal Republic of Yugoslavia has fulfilled all the provisions of the Security Council resolutions regarding sanctions. It is particularly unacceptable that Security Council resolution 820 (1993), which was imposed against the Federal Republic of Yugoslavia because Bosnian Serbs rejected the Vance-Owen plan, is still valid when the above plan was abandoned by the Co-Chairmen of the International Conference on the Former Yugoslavia.

In its attempts to continue the unprecedented political, economic and legal pressures against the Federal Republic of Yugoslavia, the resolution goes so far as to "... urge Member States and the Secretariat to end the de facto working status of Serbia and Montenegro in the United Nations". This is not only legally impossible because Yugoslavia is a Member of the United Nations and not its constituent republics, but is also contrary to the letter and spirit of General Assembly resolution 47/1 which, as interpreted by the Legal Counsel of the United Nations (A/47/485, annex of 29 September 1992), "... neither terminates nor suspends Yugoslavia's membership in the Organization". It goes without saying that the status of the membership of the Federal Republic of Yugoslavia in the United Nations has absolutely nothing to do with the situation in Bosnia and Herzegovina.

I should be grateful if you would have the present letter circulated as an official document of the General Assembly under agenda item 42.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

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THE SITUATION IN BOSNIA AND HERZEGOVINA

Letter dated 30 December 1993 from the Chargé d'affaires a.i.
of the Permanent Mission of Egypt to the United Nations
addressed to the Secretary-General

I have the honour to transmit herewith the statement issued by the Ministry of Foreign Affairs of the Arab Republic of Egypt on 27 December 1993 on the occasion of the Day of Solidarity with the People of Bosnia and Herzegovina designated by the Organization of the Islamic Conference (see annex).

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 42.

(Signed) Dawlat HASSAN
Minister Plenipotentiary
Chargé d'affaires a.i.

ANNEX

Statement by the official spokesman on behalf of the Ministry of Foreign Affairs concerning the Day of Solidarity with the People of Bosnia and Herzegovina

On the basis of the decision by the Ministers for Foreign Affairs of the Organization of the Islamic Conference, convened at Istanbul in June 1992, that 27 December should be a day of solidarity with the people of Bosnia and Herzegovina, the Ministry of Foreign Affairs affirms Egypt's firm position of principle condemning all the practices to which the Muslims of Bosnia and Herzegovina are exposed. The crimes committed against this people are a weight on the conscience of mankind as a whole and demonstrate clearly the failure of the international community to put a halt to this tragedy. From the beginning, Egypt has emphatically warned in all international forums that what the Muslims are exposed to in Bosnia would be extremely prejudicial to the credibility of the principles, bases and instruments on which the international Organization is based. Egypt draws particular attention, in this connection, to ethnic cleansing, which constitutes a crime against all humanity, and calls upon the international conscience to pause for reflection, to make a joint effort to prevent dual standards and dual values and to take deterrent action to halt Serbian aggression against Bosnia.

Egypt's sons today form part of the United Nations forces in Bosnia, providing help to the Bosnians and sparing them some of the harshness of this murderous war, as a sign of Egypt's awareness of the importance of the inadmissibility of the use of force in international relations for the imposition of a fait accompli that conflicts with the bases of justice and international law.

On this Day, we register our gratitude and appreciation to all who have participated in efforts to bring humanitarian relief to the people of Bosnia and the international organizations that have been unsparing in their efforts to that end, first and foremost the Office of the United Nations High Commissioner for Refugees, and we affirm the ongoing solidarity of the Egyptian people and Government with this great people. We deem its cause to be the cause of all peace-loving peoples, if this world of ours is ever to find a way to love, tolerance and creative cooperation for a better future for all mankind without distinction or discrimination.